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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,981	12/08/2000	Tatsu Inoue	Q62169	1757

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
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Washington, DC 20037

EXAMINER	
LAMBRECHT, CHRISTOPHER M	
ART UNIT	**PAPER NUMBER**
2611	4

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/731,981	INOUE, TATSU	
	Examiner	Art Unit	
	Christopher M. Lambrecht	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 December 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 3.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it exceeds 150 words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Klosterman (Klosterman et al., US005940073A, supplied by applicant).

With regard to claims 1 and 11, Klosterman discloses an apparatus and corresponding method for displaying a program table (program information, col. 4, ll. 63-64), in which a plurality of program information are displayed in a 2-dimension of a time axis and a channel axis (col. 5, ll. 2-25), said apparatus comprising: a program information obtaining device (set-top box 138, fig. 1, col. 4, ll. 48-56 and 63-64) for obtaining the program information including information indicative of a program name (e.g., "The Waltons", see fig. 4(a)), a start time (e.g., 8:00, fig. 4(a)), a length of a program or an end time (e.g., 8:30, fig. 4(a)), a broadcasting channel (e.g., "FAM", fig. 4(a)) and a broadcasting date (e.g., "OCT 30", fig. 4(a)) of respective one of a plurality of programs; a date setting device for setting a data of the program table to be displayed (cursor in region 410, fig. 4(a), col. 8, ll. 1-6); and a displaying device (software applications, col.

5, ll. 2-6) for extracting the program information corresponding to the date set by said date setting device (410, fig. 4(a)) from among the program information obtained by said program information obtaining device (138, fig. 1), displaying the extracted program information as the program table corresponding to the date set by said date setting device (col. 8, ll. 1-5) and, if the date of the program table is changed by said date setting device, displaying the extracted program information as the program table corresponding to the changed date (i.e., if the cursor in region 410 is set to Wednesday, the schedule information displayed is for Wednesday, col. 8, ll. 2-5) with a display time band set in advance (time band displayed is automatically set to the current time, col. 8, ll. 6-9).

As for claims 3 and 13, Klosterman discloses a program guide displaying apparatus and corresponding method according to claims 1 and 11 (see above) wherein, if the date set by said date setting device is a present day, said displaying device displays the program table with the display time band including a present time (the system automatically adjusts the cursor to a default location on a cell corresponding to the current time, col. 8, ll. 6-9).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Lawler (Lawler et al., US005699107A) and Florin (Florin et al., US005621456A).

With regard to claims 2 and 12, Klosterman discloses a program guide displaying apparatus and corresponding method according to claims 1 and 11 (see above), wherein said displaying device extracts the program information within a time range including the program which is most recently received if the date set by said setting device is a present day (wherein the system automatically sets the display time range to the current time (which is inherently incident with, i.e., includes, the program which is most recently received) when moving the cursor across different days of the week, which includes the present day, col. 8, ll. 2-9. However, Klosterman fails to explicitly disclose if the date set by said setting device is a present day said displaying device extracts the program information within a display channel range including the channel of the program which is most recently received, and if the date set by said setting device is not the present day, said displaying device extracts the program information within a predetermined time range set in advance and within a display channel range including the channel of the programs which is most recently received.

In an analogous art, Lawler discloses extracting the program information within a display channel range (i.e., vertical axis comprising channels 94a-94d, see fig. 3) including the channel of the program which is most recently received (currently airing) if the date set by said setting device (CPU) is a present day (current date) (col. 9, ll. 30-37) (i.e., channel range extracted an displayed in the guide grid is set to include the channel of the most recently viewed program, identified by the focus frame of the grid), for the purpose of initializing the program guide to include the program currently airing on the display channel. Lawler fails to disclose that if the date set by said setting device is not the current date, extracting a predetermined time range set in advance and a channel range including the channel of the program which is most recently received (i.e., same as present day channel range).

In an analogous art, Florin discloses when the date set by said date setting device is not the present day, extracting the program information within a predetermined time range ("prime times") set in advance (i.e. during scanning of subsequent days, col. 16, ll. 44-51), for the purpose of bringing programs scheduled during popular viewing periods to the attention of the viewer; and extracting program guide information within a display channel range including the channel of the programs which is most recently received (i.e., same as present day channel range, wherein if the program table (180, figs. 16 and 17) is changed by said date setting device, said displaying device displays the program table (180) with the same channel range displayed before the date of the program table is changed (i.e., the date has been changed from Thursday 10/15 as shown in fig. 16 to Saturday 10/17 in fig. 17, col. 16, ll. 37-44, and the channel range displayed in fig. 17 is the same as the channel range displayed in fig. 16), for the purpose of enabling the viewer to observe scheduling content on a particular channel without having to adjust the channel range each time the date of the displayed program table is changed.

Consequently it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Klosterman to include extracting the program information within a display channel range including the channel of the program which is most recently received if the date set by said setting device is a present day, as taught by Lawler, for the purpose of initializing the program guide to include the program currently airing on the display channel in a program guide displaying apparatus.

Additionally, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Klosterman and Lawler to include extracting the program information within a predetermined time range set in advance, and extracting program guide information within a display channel range including the channel of the programs which is most recently received if the date set by said setting device is not the present day; as taught by Florin, for the purposes of bringing programs scheduled during popular viewing periods to the

attention of the viewer and enabling the viewer to observe scheduling content on a particular channel without having to adjust the channel range each time the date of the displayed program table is changed in a program guide displaying system.

6. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Florin.

As for claims 4 and 14, Klosterman discloses a program guide displaying apparatus and corresponding method according to claims 1 and 11. However, Klosterman fails to disclose if the date of the program table is changed by said date setting device, said displaying device displays the program table with a display channel range displayed before the date of the program table is changed.

In an analogous art, Florin discloses that if the date of the program table (180, figs. 16 and 17) is changed by said date setting device, said displaying device displays the program table (180) with a display channel range displayed before the date of the program table is changed (i.e., the date has been changed from Thursday 10/15 as shown in fig. 16 to Saturday 10/17 in fig. 17, col. 16, ll. 37-44, and the channel range displayed in fig. 17 is the same as the channel range displayed in fig. 16), for the purpose of enabling the viewer to observe scheduling content on a particular channel without having to adjust the channel range each time the date of the displayed program table is changed.

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Klosterman to include if the date of the program table is changed by said date setting device, said displaying device displays the program table with a display channel range displayed before the date of the program table is changed, as taught by Florin, for the purpose of enabling the viewer to observe scheduling content on a particular

channel without having to adjust the channel range each time the date of the displayed program table is changed in a program guide displaying system.

7. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Knowles (Knowles et al., US006505348B1).

With regard to claims 5 and 15, Klosterman discloses an apparatus and corresponding method for displaying a program table (program information, col. 4, ll. 63-64), in which a plurality of program information are displayed in a 2-dimension of a time axis and a channel axis (col. 5, ll. 2-25), said apparatus comprising: a program information obtaining device (set-top box 138, fig. 1, col. 4, ll. 48-56 and 63-64) for obtaining the program information including information indicative of a program name (e.g., "The Waltons", see fig. 4(a)), a start time (e.g., 8:00, fig. 4(a)), a length of a program or an end time (e.g., 8:30, fig. 4(a)), a broadcasting channel (e.g., "FAM", fig. 4(a)) and a broadcasting date (e.g., "OCT 30", fig. 4(a)) of respective one of a plurality of programs; a displaying device (software applications, col. 5, ll. 2-6) for displaying the obtained program information as the program table including a plurality of program cells (see program cells, fig. 4(a)) as for a predetermined display time range (i.e., 8:00PM – 9:00PM, fig. 4(a)) and a predetermined display channel range (i.e., NBC, KGO, SHOW, HBO, DISN, ESPN, FAM, KRON, KPIX, fig. 4(a)); and a program cell selecting device (cursor with cursor control enabled by the user) for selecting of the program cells within the displayed program table (col. 7, ln. 45-50 & 8, ll. 6-9). Klosterman fails to disclose if the selected program cell is changed in a direction along the time axis by said program cell selecting device and if the changed and selected program cell exceeds the display time range of the program table displayed before changing the

selected program cell, said displaying device displays the program table in which the start time of the changed and selected program cell is positioned within a leading display time band.

In an analogous art, Knowles discloses if the selected program cell is changed in a direction along the time axis (in an embodiment where the programs in a theme subcategories are sorted by time, col. 20, ll. 1-8) by said program cell selecting device and if the changed and selected program cell exceeds the display time range of the program table displayed before changing the selected program cell, said displaying device displays the program table in which the start time of the changed and selected program cell is positioned within a leading display time band (col. 20, ll. 60-67), for the purpose of permitting the user to navigate through a plurality of pages containing program entries sorted by time.

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Klosterman to include if the selected program cell is changed in a direction along the time axis by said program cell selecting device and if the changed and selected program cell exceeds the display time range of the program table displayed before changing the selected program cell, said displaying device displays the program table in which the stat time of the changed and selected program cell is positioned within a leading display time band, as taught by Knowles, for the purpose of permitting the user to navigate through a plurality of pages containing program entries sorted by time in a program guide displaying system.

As for claims 6 and 16, Klosterman and Knowles together disclose a program guide displaying apparatus and corresponding method according to claims 5 and 15, further comprising a date setting device for setting a date of the program table to be displayed (Klosterman, fig. 4(a), 410, col. 8, ll. 2-6), wherein said displaying device extracts the program information corresponding to the date set by said date setting device from among the program information

obtained by said program information obtaining device and displays the extracted program information as the program table (i.e., where the day of week selector is set to Wednesday, schedule information for Wednesday is displayed, Klosterman, col. 8, ll. 4-9).

As for claims 8 and 18, Klosterman and Knowles together disclose a program guide displaying apparatus according to claim 5, wherein said displaying said displaying device displays a cursor on the selected program cell (Klosterman, col. 8, ll. 1-9).

As for claims 9 and 19, Klosterman and Knowles together disclose a program guide displaying apparatus according to claim 5, wherein, if the program cell is changed by said program cell selecting device, said displaying device displays the program table with the display channel range same as before the cell is changed (Knowles, col. 20, ll. 60-67, i.e., navigating the program cell selecting device up or down in the display causes the program cell to move up or down one program, and the display channel range remains the same where the user has not navigated the cursor beyond the top or bottom of the program table).

As for claims 10 and 20, Klosterman and Knowles together disclose a program guide displaying apparatus according to claim 5, wherein, if the program cell is changed by said program cell selecting device, said displaying device displays the program table in which the channel of the changed and selected program cell is set as a leading display channel (Knowles, col. 20, ll. 60-67, where navigating the cursor beyond the bottom of the displayed program table causes the displaying device to display the next page of the program table with the changed and selected program cell (and associated channel) as a leading (first entry) display channel).

8. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman and Knowles as applied to claim 5 above, and further in view of Hama (Hama et al., US006230323B1).

With regard to claims 7 and 17, Klosterman and Knowles disclose a program guide displaying apparatus and corresponding method according to claims 5 and 15 further comprising a range setting device for setting the display time range (Klosterman, fig. 4(a), 410) wherein said displaying device extracts the program information within the display time range and displays the extracted program information as the program table (400, fig, 4(a)) (Klosterman, col. 8, ll. 1-9). However, Klosterman and Knowles fail to explicitly disclose a display channel range setting device.

In an analogous art, Hama discloses a range setting device (display channel setting) for setting the display channel range, wherein said displaying device extracts the program information within the display channel range set by said range setting device from among the program information obtained by said program information obtaining device and displays the extracted program information as the program table (col. 9, ll. 32-46), for the purpose of enabling the user to restrict the displayed program range to favorite channels (col. 9, ll. 40-42).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Klosterman and Knowles to include range setting device for setting the display channel range, wherein said displaying device extracts the program information within the display channel range set by said range setting device from among the program information obtained by said program information obtaining device and displays the extracted program information as the program table, as taught by Hama, for the purpose of enabling the user to restrict the displayed program range to favorite channels in a program guide displaying system.

Conclusion

9. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (703) 305-8710. The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, Christopher Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M. Lambrecht
Examiner
Art Unit 2611

CML

CHRIS GRANT
PRIMARY EXAMINER